

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Guo Q. Shi et al.		Art Unit: 1626
Serial No.:	10/586,976	Case No.: 21613P	Confirmation No. 2774
Filing Date:	July 19, 2006		Examiner: Kamal A. Saeed
For:	ANTI-DIABETIC OXAZOLIDINEDIONES AND THIAZOLIDINEDIONES		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the Restriction Requirement dated April 15, 2009, in the captioned patent application, a response to which is due on May 15, 2009.

The Examiner required restriction between the following patentably distinct inventions:

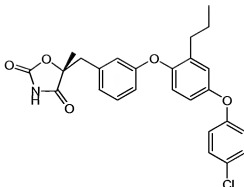
Group I: compounds and compositions, and

Group II: methods of treatment.

The Examiner further required an election of species within the elected group.

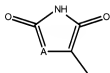
Applicants hereby elect to continue prosecution of group I drawn to compounds of formula I and compositions. This election is made with traverse. Claims that read on group I are claims 1-14 and 16.

Applicants hereby designate the following compound:



This compound is the subject of Example 5. Claims which read on the elected specie are claims 1-5, 7-14 and 16.

Applicants respectfully traverse the restriction and election requirements as described in detail below. The compounds all contain the ring



in which variable A represents O or S. This feature should be included in the search in addition to the core identified by the Examiner, as well as the group R<sup>6</sup> which represents a group selected from -C<sub>2-5</sub> alkyl, -CH<sub>2</sub>-cyclopropyl, and -C(O)C<sub>1-3</sub> alkyl. Hence, R<sup>6</sup> group at a minimum includes an additional two carbon atoms.

It is therefore urged that the common structure can include the partially specified ring structure and two carbon atoms attached to the phenyl ring, which are included in and represented by R<sup>6</sup>.

By dividing the art as the Examiner has proposed, the Examiner would be required to search the same art repeatedly. Multiple searches of the same art can be avoided if the entire scope of formula I is examined in a single application.

The Examiner's observation appearing on page 5, second full paragraph of the restriction requirement does not support the position that there are insufficient special technical features between the disclosed species to justify combining them and prosecuting them in a single patent application. In all of the species disclosed, A represents an oxygen atom.

In summary, restriction of the present application is unnecessary and will cause inconvenience and unnecessary work on the part of the Examiner, and unnecessary expense on the part of the Applicants. Consequently, withdrawal of the restriction and election requirements is respectfully requested.

If there are any questions, please telephone the undersigned.

Respectfully submitted,

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